

ZB# 04-71

Alton Peterson

67-1-3

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Granted 12-13-04

ZBA # **04-71** ALYON PETERSON
(AREA) 53 ALBY ROAD (B-1-3)



Town of New Windsor

**555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695**

OFFICE OF THE ZONING BOARD OF APPEALS

March 15, 2005

**ALTON & ALICE PETERSON
53 RILEY ROAD
NEW WINDSOR, NY 12553**

SUBJECT: REQUEST FOR VARIANCE #04-71

Dear Mr. & Mrs. Peterson:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

**Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD**

MLM:mlm

cc: Michael Babcock, Building Inspector

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 67-1-3

In the Matter of the Application of

MEMORANDUM OF
DECISION GRANTING

ALTON & ALICE PETERSON

AREA

CASE #04-71

WHEREAS, Alton & Alice Peterson, owner(s) of 53 Riley Road, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for a 27ft side yard variance and a 34.7ft total side yard variance for a proposed addition located at 53 Riley Road in an R-3 zone. (67-1-3)

WHEREAS, a public hearing was held on December 13, 2004 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Miss Peggy Johnson, daughter of the Applicant, appeared on behalf of this Application; and Ms. Peterson was also present;

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties.
 - (b) The applicant proposes to add a bedroom on to an existing house which, because of the site, the proposed bedroom can not be added on to any other portion of the house.

- (c) In constructing the bedroom, the applicant will remove no trees or substantial vegetation.
- (d) The proposed addition will not divert the flow of water drainage or create the ponding or collection of water.
- (e) The building will not interfere with any easements including, but not limited to, water, sewer or electric easements.
- (f) Even with the addition, the house will be similar in size and appearance to other homes in the neighborhood.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

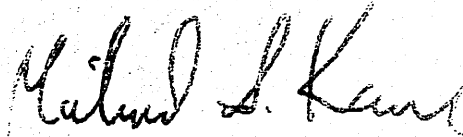
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for a 27ft side yard variance and a 34.7ft total side yard variance for a proposed addition located at 53 Riley Road in an R-3 zone. (67-1-3) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: December 13, 2004

A handwritten signature in dark ink, appearing to read "Michael S. Kuntz", is written over a horizontal line.

Chairman

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: JANUARY 28, 2005
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 186.00 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #04-71

NAME & ADDRESS:

**Peggy Johnson
16 Liberty Street
Newburgh, NY 12550**

**for: Alton & Alice Peterson
53 Riley Rd.
New Windsor, NY**

THANK YOU,

MYRA

L.R.1-28-2005



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #04-71 TYPE: AREA

APPLICANT Name & Address:

ALTON & ALICE PETERSON (check from Peggy Johnson)
53 RILEY ROAD 16 Liberty St.
NEW WINDSOR, NY 12553 Newburgh, NY 12550

TELEPHONE: 562-1658

RESIDENTIAL:	\$ 50.00	CHECK #2369
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK #2370

~~~~~

| <u>DISBURSEMENTS:</u>        |                  | <u>MINUTES</u><br><u>\$5.50 / PAGE</u> | <u>ATTORNEY</u><br><u>FEE</u> |
|------------------------------|------------------|----------------------------------------|-------------------------------|
| PRELIMINARY:                 | <u>4</u> PAGES   | \$ <u>22.00</u>                        | \$ <u>35.00</u>               |
| 2 <sup>ND</sup> PRELIMINARY: | <u>   </u> PAGES | \$ <u>   </u>                          | \$ <u>   </u>                 |
| PUBLIC HEARING:              | <u>4</u> PAGES   | \$ <u>22.00</u>                        | \$ <u>35.00</u>               |
| PUBLIC HEARING:              | <u>   </u> PAGES | \$ <u>   </u>                          | \$ <u>   </u>                 |

TOTAL:              \$ 44.00              \$ 70.00

~~~~~

ESCROW POSTED: \$300.00
LESS: DISBURSEMENTS: \$ 114.00

AMOUNT DUE: \$

REFUND DUE: \$ 186.00

Cc:

ALTON & ALICE PETERSON (04-71)

Mr. Peggy Johnson appeared before the board for this proposal.

MR. KANE: Request for a 27 ft. side yard variance and a 34.7 ft. total side yard variance for a proposed addition located at 53 Riley Road in an R-3 zone. State your name for the record.

MS. JOHNSON: I'm Peggy Johnson, I'm the daughter. That's my mom, Alice Peterson right here.

MR. KANE: Tell us what you want to do.

MS. JOHNSON: I just want to build a room, they're getting up in age, I want to build a room onto the side of the house so I can go out and live with them cause they're going to need to be taken care of.

MR. KANE: So you want to put an addition on the home, a bedroom on the home? Going to be knocking down any trees?

MS. JOHNSON: No trees, nothing, it's all clear.

MR. KANE: Not creating any water hazards or runoffs?

MS. JOHNSON: No.

MR. KANE: Any easements going on in that area?

MS. JOHNSON: No.

MR. KANE: Are you on Town sewer and water?

MS. JOHNSON: Yes.

MR. KANE: More importantly, the electric meter and all that you're not going to have an additional meter, just

one meter for the house?

MS. JOHNSON: One meter.

MR. KANE: No intent to turn this into a two-family home?

MS. JOHNSON: No, just a one family home, I just want to put a bedroom so I can go in and take care of my parents.

MR. KANE: The shaded area over here is where you want to right over here is where we're going to put that?

MS. JOHNSON: Yes, going to be on the side, I've got pictures right here, it's going to be over here.

MR. KANE: How big is this going to be?

MS. JOHNSON: I think it's like 27 x 25.

MR. KANE: Is it going to run the width of the house?

MS. JOHNSON: Yeah, the width of it, it's going to run all the way back to here and then go out, it's going to run the width of the house, yeah.

MR. BABCOCK: I think we have it as 20 x 24.

MS. JOHNSON: Yeah, I said 25 but yeah.

MS. GANN: So just a bedroom?

MS. JOHNSON: Just a bedroom.

MS. GANN: Bathroom attached?

MS. JOHNSON: Like a master bedroom, there's going to be a master bathroom.

MR. KANE: So here we have a required of 40 with a total of 80 on both sides, right, Mike?

MR. BABCOCK: Right.

MR. KANE: That's going to be a single floor room?

MS. JOHNSON: Yes, single floor, I don't want to be climbing any stairs.

MR. KANE: The peak going to match the top of the house too?

MS. JOHNSON: Yes, everything will be just the same.

MR. KANE: Will that keep the house similar in size to other homes that are in the neighborhood?

MS. JOHNSON: Oh, they're a lot bigger. Right now, it's only a little one bedroom house, that's all it is.

MR. KANE: I have no further questions. Ladies?

MS. GANN: No questions.

MS. LOCEY: No questions.

MR. KANE: I'll accept a motion.

MS. LOCEY: I will offer a motion to schedule a public hearing for the application of Alton and Alice Peterson for their request for 27 foot side yard variance and a 34.7 foot total side yard variance for a proposed addition located on 53 Riley Road.

MS. GANN: Second it.

ROLL CALL

MS. LOCEY AYE

November 8, 2004

21

MS. GANN
MR. KANE

AYE
AYE

ALTON & ALICE PETERSON (04-71)

MR. KANE: Request for a 27 ft. side yard variance and a 34.7 ft. total side yard variance for a proposed addition located at 53 Riley Road.

Ms. Peggy Johnson appeared before the board for this proposal.

MR. KANE: Tell us what you want to do.

MS. JOHNSON: I'm not Alice and I'm not Alton, I'm Peggy Johnson, that's Alice back there. I'm her daughter. I just want to let you know, Peggy Johnson.

MR. MINUTA: She's granting you authorization to present tonight?

MS. JOHNSON: Yes and she's right there.

MR. KANE: So you want to tell us again what you want to do?

MS. JOHNSON: My mom and dad is getting on up in age, I want to build a bedroom onto the house so I can move out and take care of them, that's basically about it, that's the whole thing.

MR. KANE: The addition remember is going to go to the side.

MS. JOHNSON: To the side, yeah, no trees, we're not knocking down any trees or anything.

MR. KANE: Just adding one bedroom, nothing fancy.

MS. JOHNSON: No, just bedroom for me and me only, that's it.

MR. KANE: Will you be, I mean, I can tell from the

pictures but you're not going to be cutting down any trees or substantial vegetation?

MS. JOHNSON: No.

MR. KANE: Create any water hazards or runoffs?

MS. JOHNSON: We, no, we hooked up to the sewer.

MR. KANE: Town water and sewer?

MS. JOHNSON: Yes.

MR. KANE: No easements running in that area that you know of?

MS. JOHNSON: No, nothing.

MR. MINUTA: Are you in a preliminary stage as far as planning for this addition?

MS. JOHNSON: Yes.

MR. MINUTA: My first question would be would it not be feasible to extend off the back?

MS. JOHNSON: Well, that's where my dad wanted me to, I'm just doing it where he--

MR. KANE: There was a reason in the prelim that we covered to keep it on the side, something was there where we couldn't swing it out around back.

MR. MINUTA: Thank you.

MR. KANE: With the addition the house is still going to be similar in size to other homes in the area?

MS. JOHNSON: Yes, definitely, there are homes bigger than that, way bigger.

MR. KANE: Way bigger than that in your area?

MS. JOHNSON: Oh, yes, yes, anybody been back in Dean Hill you'll see all the houses.

MR. KANE: Are you still taking care of the yard, ma'am?

MS. PETERSON: Yes.

MS. JOHNSON: Yes, she's got flowers, she has a very nice yard.

MR. KANE: Okay, at this point, I will open it up to the public and ask if anybody in the audience, I guess that's you, if you have any interest in this case? None? We'll close the public portion and ask Myra how many mailings we had?

MS. MASON: I mailed out 46 envelopes and had no response.

MR. KANE: Other questions ladies and gentlemen?

MR. MINUTA: Just for clarity, is that a covered porch off the back?

MS. JOHNSON: No, that's the side view, that's the front of the house.

MR. MINUTA: This piece here, oh, that's the front of the house?

MS. JOHNSON: It's just, yeah, it's not a porch, it's the front of the house, it's just looking to the side so it's not off the back.

MR. KANE: The addition is going to be off to the right. I'm willing to accept a motion.

MR. MINUTA: I'd like to make a motion that we grant Alton and Alice Peterson their requested 27 foot side yard variance and 34.7 foot total side yard variance for the proposed addition located at 53 Riley Road in an R-3 zone.

MS. GANN: Second it.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. RIVERA	AYE
MR. MINUTA	AYE
MR. KANE	AYE



December 13, 2004

67-1-3

ZBA # 04-71

04-71

PROXY

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
RIVERA _____
MCDONALD _____
REIS _____
MINUTA _____
KANE _____

CARRIED: Y _____ N _____

GANN _____
LOCEY _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
MINUTA _____
KANE _____

PUBLIC HEARING: M)_____ **S)**_____ **VOTE: A**_____ **N**_____

APPROVED: M)_____S)_____ VOTE: A_____N_____

GANN _____
LOCEY _____
RIVERA _____
MCDONALD _____
REIS _____
MINUTA _____
KANE _____

CARRIED: Y _____ N _____

GANN _____
LOCEY _____
RIVERA _____
MCDONALD _____
REIS _____
MINUTA _____
KANE _____

CARRIED: Y _____ N _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M)___ S)___ VOTE: A___ N___

GANN
LOCEY
RIVERA
MCDONALD
REIS
MINUTA
KANE

CARRIED: Y_____ N_____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES ✓
VARIANCE APPROVED: M) MN S) G VOTE: A 5 N 0.

GANN	A
LOCEY	A
RIVERA	A
MCDONALD	
REIS	
MINUTA	A
KANE	A

CARRIED: Y ☒ N

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is a double-line border at the top and bottom edges. The paper appears to be from a notebook or a set of legal pads.

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: 10/13/04

APPLICANT: Alton & Alice Peterson
53 Riley Road
New Windsor, NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : Alton & Alice Peterson

LOCATED AT: 53 Riley Road

ZONE: R-3 **Sec/Blk/ Lot:** 67-1-3

DESCRIPTION OF EXISTING SITE: Single Family Dwelling with proposed 20x24 addition

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 300-10 Use/Bulk Table R-3 Zone Column F Line 6 Required side yard is 40ft, total of side yards required is 80ft. A variance of 27ft side yard and 34.7ft total both side yards is required.

COPY


BUILDING INSPECTOR

PERMITTED**PROPOSED OR
AVAILABLE:****VARIANCE
REQUEST:**

ZONE: R-3 USE: Single Family

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD: 40ft

13ft

27ft

REQ'D TOTAL SIDE TD: 80ft

45.3ft

34.7ft

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

004-711

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

ZONING BOARD

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED

OCT 12 2004

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:

Building Permit #: 2004-1328

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises

Alice Peterson Call 562-1658

Address

53 Riley Rd

Phone #

845 564 7831

Mailing Address

New Windsor Ny 12553

Fax #

Name of Architect

Address

Phone

Name of Contractor

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder _____

If applicant is a corporation, signature of duly authorized officer _____

(Name and title of corporate officer)

1. On what street is property located? On the _____ side of _____
(N, S, E or W)
and _____ feet from the intersection of _____

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____

3. Tax Map Description: Section 67 Block 1 Lot 3

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy _____ b. Intended use and occupancy _____

5. Nature of work (check if applicable) ☐ New Bldg ☒ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other

6. Is this a corner lot? _____

7. Dimensions of entire new construction. Front 20.64 Rear 20.64 Depth 24 Height 18 ft No. of stories 1

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____ Fee \$50 ck # 2365

PAID

ZONING BOARD

10.5.04
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lis & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4818
(845) 563-4895 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Alvin Petersen
(Signature of Applicant)

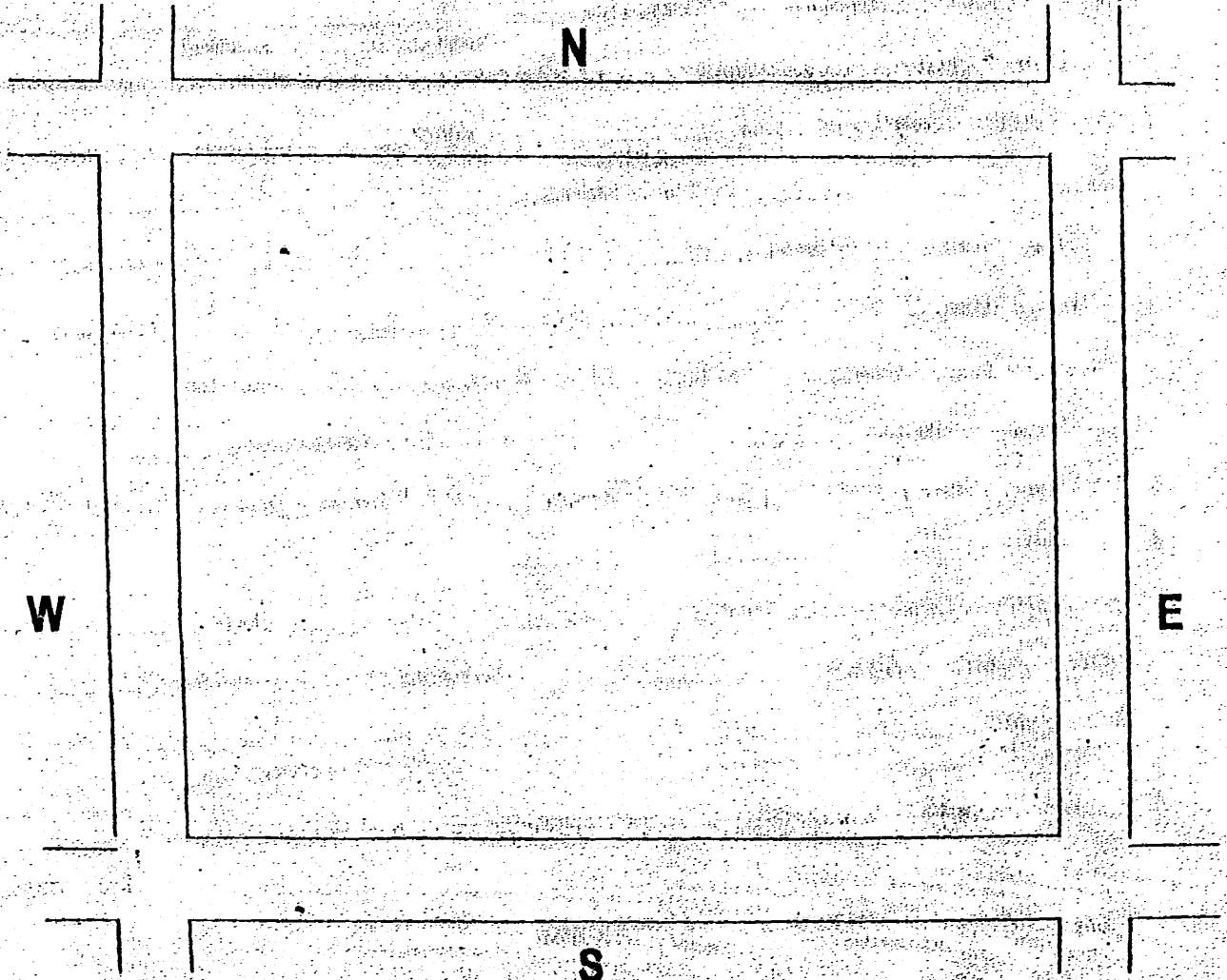
(Address of Applicant)

Alvin Petersen
(Owner's Signature)

PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.

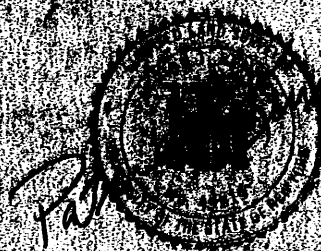


201.01'
NYS Rt. 207

Survey of Lands of
Alton & Alice Peterson

Town of New Windsor - Orange Co. N.Y.
Scale 1" = 50' 26 July 1980

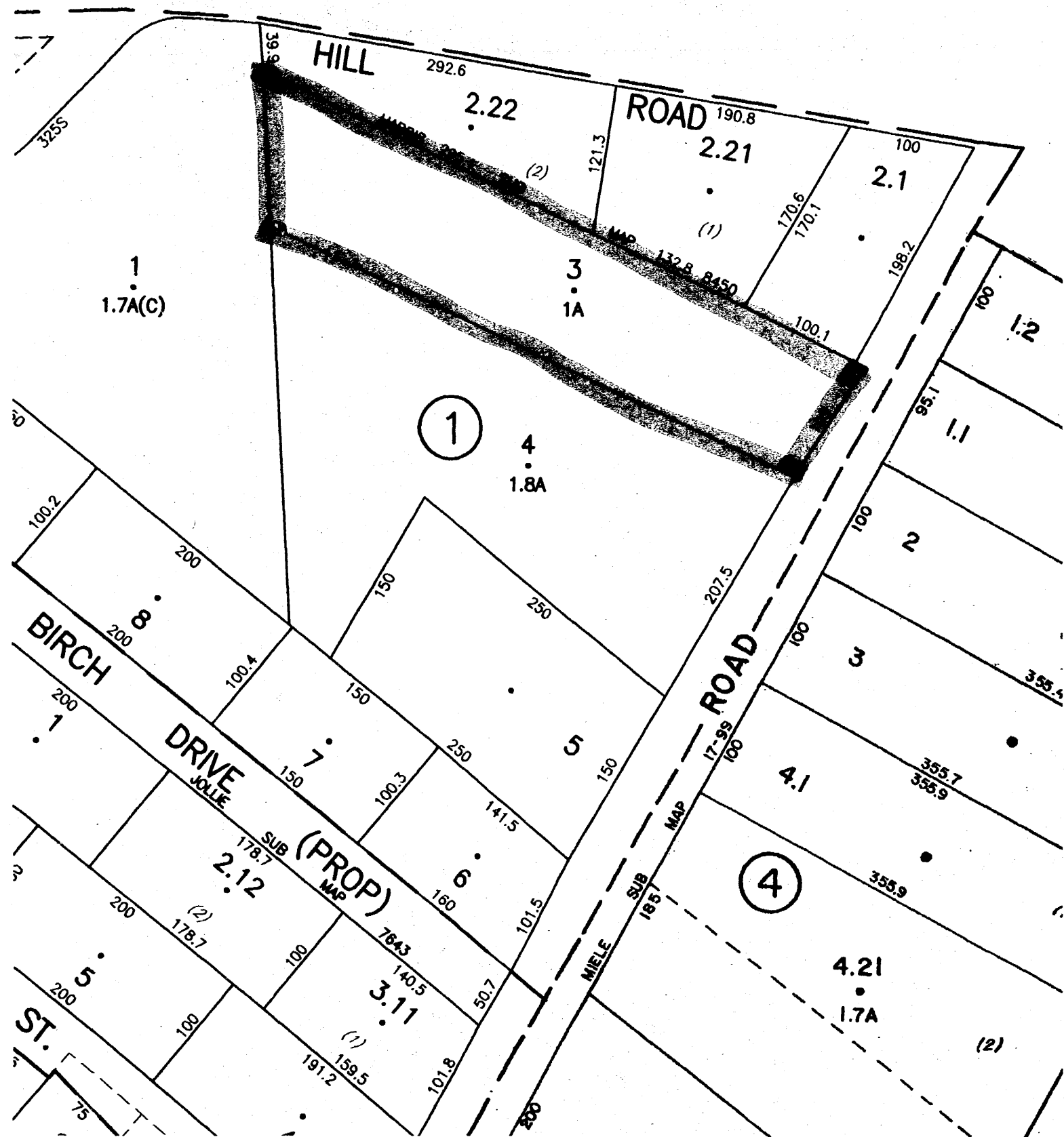
To Alton & Alice Peterson
Certified to be a correct and
accurate survey
26 July 1980

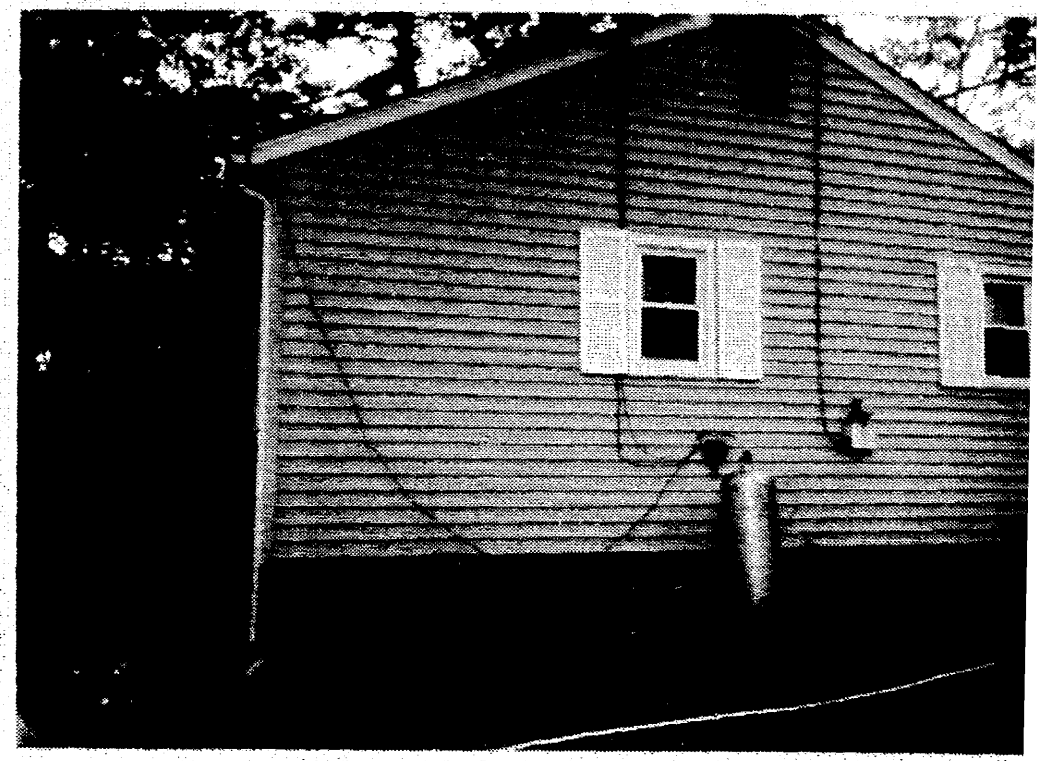


Patrick T. Kennedy PLS
Professional Land Surveyor
Briarview Ave.
New Windsor, N.Y. 16550
Lic. No. 49219

**PREVIOUS
DOCUMENTS
IN POOR
ORIGINAL
CONDITION**

SECTION 65





**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

ALTON PETERSON

**AFFIDAVIT OF
SERVICE
BY MAIL**

#04-71

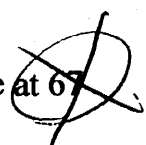
-----X

STATE OF NEW YORK)

) SS:

COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:

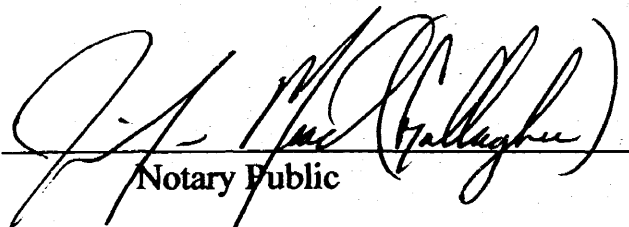
That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553. 

That on the 17TH day of **NOVEMBER**, 2004, I compared the 46 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this


Myra L. Mason, Secretary

13th day of December, 2004


Notary Public

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/ 2006

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

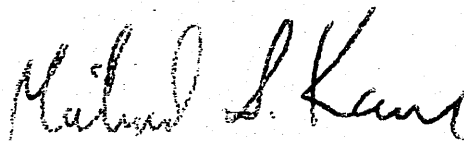
Appeal No. 04-71

Request of ALTON PETERSON

for a VARIANCE of the Zoning Local Law to Permit:

Request for a 27ft side yard variance and a 34.7ft total side yard variance for a proposed addition located at 53 Riley Road in an R-3 zone. (67-1-3)

PUBLIC HEARING will take place on DECEMBER 13, 2004
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.

A handwritten signature in dark ink, appearing to read "Michael S. Kane", is written over a horizontal line.

Michael Kane, Chairman



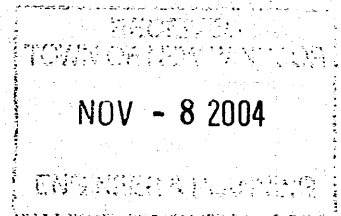
Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessors Office

November 5, 2004

Alton & Alice Peterson
53 Riley Road
New Windsor, NY 12553



Re: 67-1-3 ZBA#: 04-71 (46)

Dear Mr. and Mrs. Peterson:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$65.00, minus your deposit of \$25.00.

Please remit the balance of \$40.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/tmp
Attachments

CC: Myra Mason, Zoning Board

65-1-49.12
Frank & Barbara Mandato
78 Riley Road
New Windsor, NY 12553

65-1-50.1
Byron & Sandra Menegazzo
14 Dean Hill Road
New Windsor, NY 12553

65-1-93
Sarjon LLC
c/o Benedict Pond at New Windsor, LLC
DGS Associates
535 High Mountain Road
North Haledon, NJ 07508

67-1-2.21
Guillermo Dealecio
7 Dean Hill Road
New Windsor, NY 12553

67-1-5
Wendy & Edward Kimball, Jr.
41 Riley Road
New Windsor, NY 12553

67-1-8
Karen & Modesto Sanchez
114 Birch Drive
New Windsor, NY 12553

67-2-2.12
Berzelius & Beroz Pavri
107 Birch Drive
New Windsor, NY 12553

67-2-7
Pondside Builders, LLC
13 Hayes Court – Unit 101
Monroe, NY 10950

67-4-1.2
Bryant & Ella May Harris
P.O. Box 525
Vails Gate, NY 12584

67-4-4.1
Edward Miele
Station Street
P.O. Box 116
Southfields, NY 10975

65-1-49.13
Robert Keenan
72 Riley Road
New Windsor, NY 12553

65-1-50.2
Harvey & Ruby Reed
P.O. Box 185
Vails Gate, NY 12584

67-1-1
William & Margaret McDonnell
1131 Sharpshooters Road
North Fayston, VA 05660

67-1-2.22
Floyd & Tamra Johnson
P.O. Box 662
Newburgh, NY 12550

67-1-6
David Baransky
316-A Jutland Drive
Monroe, NJ 08831

67-1-9
Michael & Arlene McGovern
122 Birch Drive
New Windsor, NY 12553

67-2-3.11
William Garrison
29 Riley Road
New Windsor, NY 12553

67-2-8.1
Edward & Joan Milmore
45 Dean Hill Road
New Windsor, NY 12553

67-4-2
Ronald, Renee, Michael & Donna Handy
54 Riley Road
New Windsor, NY 12553

67-4-4.21
Michael Miele
40 Riley Road – Unit 2
New Windsor, NY 12553

65-1-49.14
Richard & Marie Fitzpatrick
P.O. Box 526
Beacon, NY 12508

65-1-50.3
Allen & Kitty Dantas
958 Little Britain Road
New Windsor, NY 12553

67-1-2.1
Peter & Elaine Escalera
61 Riley Road
New Windsor, NY 12553

67-1-4
Debbie Roszkowski
45 Riley Road
New Windsor, NY 12553

67-1-7
Alice Mary Mula
P.O. Box 282
Vails Gate, NY 12584

67-2-1
William Bywater
115 Birch Drive
New Windsor, NY 12553

67-2-6.1 & 67-2-6.2
Omat, Inc.
501 Bramertown Road
Tuxedo Park, NY 10987

67-4-1.1
Paul & Donna McCarthy
58 Riley Road
New Windsor, NY 12553

67-4-3
Nilda Natal
Roberto Alvarez (UX)
50 Riley Road
New Windsor, NY 12553

67-4-6
James Duffy
30 Riley Road
New Windsor, NY 12553

67-4-12.1
Joseph Castelo
P.O. Box M2108
Hoboken, NJ 07030

67-4-18.2
Sandy & Rhoda Ciano
593 Lakeside Road
Newburgh, NY 12550

89-3-24
Denis & Linda Henaghan
1004 Pine View
New Windsor, NY 12553

89-4-2
Dennis & Geordalina Perez
1003 Pine View
New Windsor, NY 12553

89-4-7
Paul & Susan Martini
1008 Forest Glen
New Windsor, NY 12553

89-4-10
David Kiel
1002 Forest Glen
New Windsor, NY 12553

67-4-13.1
Linda Jobson
P.O. Box 655
Vails Gate, NY 12584

89-3-22
Wilce & Annette Robles
1008 Pine View
New Windsor, NY 12553

89-3-25
Anthony & Tracy Vence
1002 Pine View
New Windsor, NY 12553

89-4-3
Cleon King
Maureen Weise King
1005 Pine View
New Windsor, NY 12553

89-4-8
Matthew & Lynn Mayo
1006 Forest Glen
New Windsor, NY 12553

67-4-16
Hudson Valley Drilling
2177 Route 94
Salisbury Mills, NY 12577

89-3-23
John Robinson, Jr.
1006 Pine View
New Windsor, NY 12553

89-4-1
Mohamedyasin & Shamim Rajpura
1001 Pine View
New Windsor, NY 12553

89-4-4
Peter & Nora Miceli
1007 Pine View
New Windsor, NY 12553

89-4-9
Rajkumar Muthukrishnan
1004 Forest Glen
New Windsor, NY 12553

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#1097-2004

10/29/2004

ZBA 04-71

Johnston, Peggy

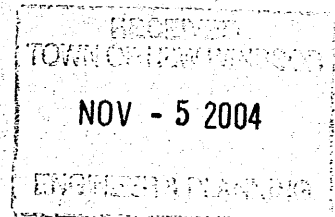
Received \$ 50.00 for Zoning Board Fees, on 10/29/2004. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:



DATE RECEIVED: 10/29/04

FOR: 04-71

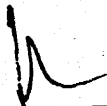
FROM: **PEGGY JOHNSTON**
16 LIBERTY STREET
NEWBURGH, NY 12550

CHECK NUMBER: 2370

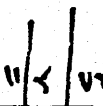
TELEPHONE: 562-1658

AMOUNT: \$300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME



DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU



RESULTS OF Z.B.A. MEETING OF: 11-8-04

PROJECT: ALTON + ALICE PETERSON ZBA # 04-71
P.B.#

P.B.# _____

USE VARIANCE: **NEED: EAF** **PROXY**

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
RIVERA _____
MCDONALD _____
REIS _____
MINUTA _____
KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: M)_____ **S)**_____ **VOTE: A**____ **N**_____

GANN	
LOCEY	
RIVERA	
MCDONALD	CARRIED: Y N
REIS	
MINUTA	
KANE	

NEGATIVE DEC: M)_____S)_____ VOTE: A_____N_____

GANN _____
LOCEY _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
MINUTA _____
KANE _____

APPROVED: M)____S)____ VOTE: A____ N____

GANN _____
LOCEY _____
RIVERA _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
MINUTA _____
KANE _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) L S) C VOTE: A 3 N

GANN	✓
LOCEY	✓
RYERA	✓
MCDONALD	
REIS	
MINUTA	
KANE	✓

CARRIED: Y_____ N_____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED: M)___ S)___ VOTE: A___ N___.

GANN
LOCEY
RIVERA
MC DONALD
REIS
MINUTA
KANE

CARRIED: Y_____N_____.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or printed text on the paper.

TOWN OF NEW WINDSOR

REQUEST FOR NOTIFICATION LIST

DATE: 10/29/04 PROJECT NUMBER: ZBA# 04-71 P.B. # _____

PROJECT NUMBER: ZBA# 04-71 P.B. # _____

APPLICANT NAME: ALTON & ALICE PETERSON

PERSON TO NOTIFY TO PICK UP LIST:

ALTON & ALICE PETERSON

53 RILEY ROAD

NEW WINDSOR, NY 12553

TELEPHONE: 562-1658

TAX MAP NUMBER: SEC. 67 BLOCK 1 LOT 3
SEC. _____ BLOCK _____ LOT _____
SEC. _____ B LOCK _____ LOT _____

**PROPERTY LOCATION: 53 RILEY ROAD
NEW WINDSOR, NY 12553**

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: _____

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET _____

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) _____

AGRICULTURAL DISTRICT:

(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
OF SITE PLAN OR SUBDIVISION PROJECT)

A decorative horizontal row consisting of 20 identical black diamond shapes arranged in a single line.

NEW WINDSOR ZONING BOARD **04-71**

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT YES

AMOUNT OF DEPOSIT: **\$25.00** CHECK NUMBER: **2371**

TOTAL CHARGES: _____



Town of New Windsor

**555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695**

ZONING BOARD OF APPEALS

October 29, 2004

**ALTON & ALICE PETERSON
53 RILEY ROAD
NEW WINDSOR, NY 12553**

SUBJECT: REQUEST FOR VARIANCE 04-71

Dear Mr. Peterson:

This letter is to inform you that you have been placed on the 11/8/04 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

**53 RILEY ROAD
NEW WINDSOR, NY 12553**

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

**Myra Mason, Secretary
Zoning Board of Appeals**

MLM:mlm



TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)



ZONING BOARD PROCEDURES

PLEASE READ PAGE ONE AND TWO OF THIS PACKAGE AND SIGN PAGE TWO
IT EXPLAINS THE PROCEDURE TO BE FOLLOWED FOR YOUR APPLICATION.

PLEASE COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RECEIVED

OCT 21 2004

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE:

\$ 50.00

*ESCROW:

\$300.00

****DEPOSIT FOR PUBLIC HEARING LIST:**

\$ 25.00

BUILDING DEPARTMENT

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE:

\$150.00

*ESCROW:

\$500.00

****DEPOSIT FOR PUBLIC HEARING LIST:**

\$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE:

\$150.00

*ESCROW:

\$500.00

****DEPOSIT FOR PUBLIC HEARING LIST:**

\$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE:

\$150.00

*ESCROW:

\$500.00

****DEPOSIT FOR PUBLIC HEARING LIST:**

\$ 25.00

YOU WILL THEN BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING".

ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

THE APPLICANT WILL BE BILLED DIRECTLY FOR THE PUBLIC HEARING ADVERTISEMENT IN THE "SENTINEL NEWSPAPER"

LIST OF PROPERTY OWNERS
WITHIN 500 FT. RADIUS OF
PROPERTY IN QUESTION:

APPROXIMATE COST FOR
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES
IS \$1.00 EA. ADDITIONAL
NAME

1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THIS WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
2. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

**** MUST READ AND SIGN ****

I UNDERSTAND THAT I WILL BE BILLED DIRECTLY FOR MY "LEGAL NOTICE" TO BE PUBLISHED IN THE SENTINEL NEWSPAPER FOR MY PUBLIC HEARING.... (this charge is not deducted from your escrow posted).

Albert A. Oliver Peterson
SIGNATURE

10-21-00
DATE

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.

PAGE 2

COMPLETE THIS PAGE ☐



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

10-21-04
Date

Application Type: Use Variance ☐ Area Variance ☐
Sign Variance ☐ Interpretation ☐

I. **Owner Information:** Phone Number: 845-562-1658
Alton 3 Alice Peterson Fax Number: ()
(Name)
53 Riley Road New Windsor
(Address)

II. **Applicant:** Phone Number: 845-562-1658
Alton 3 Alice Peterson Fax Number: ()
(Name)
53 Riley Road
(Address)

III. **Forwarding Address, if any, for return of escrow:** Phone Number: ()
Fax Number: ()
(Name)
(Address)

IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number ()
Fax Number: ()
(Name)
(Address)

V. **Property Information:**
Zone: R-3 Property Address in Question: 53 Riley Road
Lot Size: 9957/1000 ACRES Tax Map Number: Section 67 Block 1 Lot 3
a. What other zones lie within 500 feet? NONE
b. Is pending sale or lease subject to ZBA approval of this Application? NO
c. When was property purchased by present owner? 12/19/69
d. Has property been subdivided previously? NO If so, When:
e. Has an Order to Remedy Violation been issued against the property by the
Building/Zoning/Fire Inspector? NO
f. Is there any outside storage at the property now or is any proposed? NO

****PLEASE NOTE:****

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF
SUBMITTAL.**

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.	40 ft	13 ft	27 ft
Reqd. Rear Yd.			
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

The addition to The home will benefit
Both the owners & the Local Residents as the addition is to allow the
daughters to move in to assist the elderly couple to maintain the
house and care for the property.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
- _____
- _____

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: **(each payable to the TOWN OF NEW WINDSOR)**
- ☐ One in the amount of \$ 300.00 or 500.00 (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 (application fee)
- ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☐ Photographs of existing premises from several angles. **(IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)**

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

21st day of Oct. 2004.

Suzi Langdon
Signature and Stamp of Notary

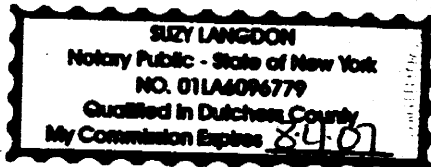
Alton Peterson
Owner's Signature (Notarized)

Alton Peterson
Alice Peterson
Owner's Name (Please Print)

Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.



COMPLETE THIS PAGE ☐